

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VANIO CESAR PICKLER AGUIAR, not individually but
as Judicial Administrator and Foreign Representative
of the Bankruptcy Estate of Varig Logistica, S.A.,

Appellant,

22 CIV 8136 (PAE)

v.
MATLIN PATTERSON GLOBAL OPPORTUNITIES
PARTNERS, L.P. et al.,

Appellees.

_____/

VANIO CESAR PICKLER AGUIAR, not individually but
as Judicial Administrator and Foreign Representative
of the Bankruptcy Estate of Varig Logistica, S.A.,

Appellant,

22 CIV 8110 (PAE)

v.
MATLIN PATTERSON GLOBAL OPPORTUNITIES
PARTNERS, L.P. et al.,

Appellees.

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VANIO CESAR PICKLER AGUIAR, not individually but
As Judicial Administrator and Foreign Representative
of the Bankruptcy Estate of Varig Logistica, S.A.,

Appellant,

22 CIV 9568 (PAE)

v.
MATLIN PATTERSON GLOBAL OPPORTUNITIES
PARTNERS, L.P. et al.,

Appellees.

**APPEAL PARTIES' STIPULATION AND REQUEST FOR APPROVAL REGARDING
JURISDICTIONAL ISSUES, CONSOLIDATION, AND BRIEF LENGTH**

This stipulation is made by and between Vanio *Cesar Pickler Aguiar, Not Individually but as Judicial Administrator and Foreign Representative of the Bankruptcy Estate of Varig Logistica, S.A.* ("Foreign Representative" or "Appellant"), on the one hand, and on the other hand MatlinPatterson Global Opportunities Partners, L.P., MatlinPatterson Global Opportunities Partners (Cayman) II L.P., MatlinPatterson Global Partners II LLC, MatlinPatterson Global Advisers LLC, MatlinPatterson PE Holdings LLC, Volo Logistics LLC, MatlinPatterson Global Opportunities Partners (SUB) II ("Debtors"), Gol Linhas Aereas, S.A. formerly known as VRG Linhas Aereas, S.A. ("VRG"), HJDK Aeroespacial, S.A. ("HJDK"), and Zurich American Insurance Company ("Zurich") (collectively Debtors, VRG, HJDK, and Zurich are "Appellees").

RECITALS

Whereas, Appellant filed three appeals all from orders entered in the same bankruptcy cases for the Debtors pending in the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Court");

Whereas, Appellant's appeal docketed in the United States District Court for the Southern District of New York as Case No. 22 CIV 8110 (PAE) ("Conversion Denial Order Appeal") relates solely to the Bankruptcy Court's denial of Appellant's Motion to Convert the Debtors' bankruptcy cases from Chapter 11 to Chapter 7 ("Conversion Denial Order");

Whereas, Appellant's appeal docketed in the United States District Court for the Southern District of New York as Case No. 22 CIV 8136 (PAE) ("VRG Settlement Order Appeal") seeks review of the Bankruptcy Court's approval of a settlement between the Debtors and VRG ("VRG Settlement Order") and of the Conversion Denial Order;

Whereas, Appellant's appeal docketed in the United States District Court for the Southern District of New York as Case No. 22 CIV 9568 (PAE) ("HJDK Settlement Order Appeal") seeks review of the Bankruptcy Court's approval of a settlement among the Debtors, HJDK, and Zurich ("HJDK Settlement Order");

Whereas, one or more of the Appellees assert that the District Court lacks appellate jurisdiction to review the Conversion Denial Order in any of the docketed appeals; and

Whereas, on November 2, 2022, the District Court held a telephonic conference regarding the Conversion Denial Order Appeal and the VRG Settlement Order Appeal, and at the conference, the District Court urged the parties to coordinate briefing among all three appeals, and counsel for Appellant, Debtors, and VRG addressed on the record certain of the topics addressed by this stipulation at such conference.

STIPULATION

NOW THEREFORE, it is stipulated and agreed as follows:

1. Appellant, Debtors, and VRG agree that they will address all issues regarding the appellate jurisdiction to review the Conversion Denial Order, including requests for leave to appeal, in their respective initial, response, and reply briefs and not by way of separate motion practice.
2. Appellant, Debtors, HJDK, and Zurich agree that the appeal of the HJDK Settlement Order contains issues that overlap with the appeal of the VRG Settlement Order such that all consent to such appeal being treated as related to the above-captioned appeals.
3. Appellant and all Appellees agree that the District Court should consolidate the Conversion Denial Order Appeal, the VRG Settlement Order Appeal and the HJDK Settlement

Order Appeal for all purposes, including the briefing schedule previously ordered by the District Court in the Conversion Denial Order Appeal and the VRG Settlement Order Appeal.

4. Appellant and Appellees agree that the page limitation for Appellant's initial brief and the response briefs of each of the Appellees be increased from thirty (30) pages as per Fed. R. Bankr. P. 8015(a)(7) to forty-eight (48) pages, that the page limitation for Appellant's reply brief be increased from fifteen (15) pages as per Fed. R. Bankr. P. 8015(a)(7) to twenty-five (25) pages, and that the word limitations for each brief will be increased accordingly.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD

Respectfully Submitted,

Dated: November 28, 2022

SEQUOR LAW, P.A.

/s/ Gregory S. Grossman

Gregory S. Grossman (admitted *pro hac vice*)

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Dated: November 28, 2022

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Dated: November 28, 2022

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Dated: November 28, 2022

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Counsel to Zurich American Insurance Company

Granted. SO ORDERED.

Paul A. Engelmaier

PAUL A. ENGELMAIER
United States District Judge
November 30, 2022